

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
) 2:04-CR-06
v.) JUDGE GREER
)
RITCHIE G. KENNEDY)

FINAL ORDER OF FORFEITURE

1. Indictment. On January 27, 2004, an Indictment was filed against the defendant RITCHIE G. KENNEDY, charging him with, among other things, knowingly distributing child pornography as defined in Title 18, U.S.C. § 2256, in interstate commerce, in violation of Title 18, U.S.C. §§ 2252A(a)(2)(A) and 2252A(b)(1). The Forfeiture paragraph provided that the defendant shall forfeit any property used or intended to be used to commit or to promote the commission of said violation of Count One, including but not limited to:

- a. One black Dell Computer Tower, serial number 965s211;
- b. One black Dell Monitor, serial number NY-068BYR-47603-1A0-EUC3;
- c. One white Lexmark x73 Printer/Scanner, serial number 07430452477;
- d. One black Dell Keyboard, serial number T11-05695W-37171-198-1997; and
- e. One black Dell Mouse, serial number 3892A378.

2. Plea of Guilty and Agreed Preliminary Order of Forfeiture. On August 23, 2004, the defendant pled guilty to Count One of the Indictment and agreed to forfeit items a. through e. above, property which was used or intended to be used to commit or promote the commission of the offense charged in Count One, that is, a violation of Title 18, U.S.C. §§ 2252A(a)(2)(A) and 2252A(b)(1). On August 23, 2004, this Court also entered an Agreed Preliminary Order of Forfeiture pursuant to the

conviction of the defendant, RITCHIE G. KENNEDY, forfeiting to the United States, pursuant to Title 18, *United States Code*, Section 2253 and Rule 32.2 of the *Federal Rules of Criminal Procedure*, his interest in items a. through e. above.

3. Notice of Forfeiture. Pursuant to Title 18, *United States Code*, Section 2253(m)(1) and the Agreed Preliminary Order of Forfeiture, Notice of Forfeiture as to the properties described herein, was published in the *Johnson City Press*, a newspaper of general circulation in Washington County, Tennessee, for three insertions on October 1, October 8 and October 15, 2004.

The Notice of Forfeiture advised that any person, other than the defendant, having or claiming a legal interest in the defendant property described herein, must file a petition with the Court within thirty (30) days of the final publication of the notice. The notice further provided that the petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the defendant property and any additional facts supporting the petitioner's claim and the relief sought. Proof of Publication was filed with the clerk of this court on November 8, 2004.

4. Third Party Claims. There were no known potential claimants, and the United States did not attempt to provide any personal service.

5. Sentencing. On September 12, 2005, the defendant was sentenced, and forfeiture was pronounced at sentencing, forfeiting to the United States, pursuant to Title 18, *United States Code*, Section 2253 and Rule 32.2 of the *Federal Rules of Criminal Procedure*, the defendant's interest in items a. through e. above.

No person, corporation or entity has filed a claim to the properties described herein, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED:

1. That the following property be and the same is hereby forfeited to the United States, pursuant to Title 18, *United States Code*, Section 2253 and Rule 32.2 of the *Federal Rules of Criminal Procedure*, as being property used or intended to be used to commit or to promote the commission of a violation of Title 18, *U.S.C.* §§ 2252A(a)(2)(A) and 2252A(b)(1), and all right, title and interest in said property be and the same is hereby vested in the United States:

- a. One black Dell Computer Tower, serial number 965s211;
- b. One black Dell Monitor, serial number NY-068BYR-47603-1A0-EUC3;
- c. One white Lexmark x73 Printer/Scanner, serial number 07430452477;
- d. One black Dell Keyboard, serial number T11-05695W-37171-198-1997; and
- e. One black Dell Mouse, serial number 3892A378;

2. That the Federal Bureau of Investigation or the United States Marshals Service, as custodians, shall dispose of said forfeited property according to law; and

3. That the Clerk of this Court shall provide the United States Attorney's Office, Greeneville, Tennessee, and United States Marshal's Service, Knoxville, Tennessee, with a certified copy of this Final Order of Forfeiture.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

Submitted by:
HARRY S. MATTICE, JR.
United States Attorney

By: /s/ Guy W. Blackwell
GUY W. BLACKWELL
Assistant U.S. Attorney